



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MON, SEPTEMBER 22, 2008
7:00P.M.***

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Carolyn Burdine, Total Christian Family Center

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendation

- Recognizing National Hispanic Heritage Month, accepted by Jonathan Encarnacion of the Hispanic Center

Mayoral Proclamation

- Recognizing National Alzheimer's Awareness Month, accepted by Dr. Karen Gurski
- Mural Artist Commendations presented to:
 - Martha Frutos -RACC - mural on Elm & Moss
 - Luis Beltran - RACC - mural at Reading Iron Playground
 - Ebony Bradley - RHS - mural on Rose & Buttonwood
 - Janelle Sweigart - RHS - mural on Gordon & Greenwich
 - Rachel Stewart - RHS - murals at Angelica dedication and City playgrounds
 - Hannah Christophel - RHS - murals at Angelica dedication and City playgrounds
 - Ed Terrell - "senior muralist" for his work at Barby Playground and with the 6th ward youth

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to

any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA

AGENDA: Council Meeting of September 22, 2008

MINUTES: Council Meetings of August 25 and September 8, 2008

Consent Agenda Legislation

Resolution – That Mayor Thomas M. McMahon be authorized to execute any and all necessary documents required for the financing of said renovations and improvements, including, but not limited to, a certain contractual agreement between Land – Tech Enterprises and the City of Reading (**Public Works**)

Resolution - That Mayor Thomas M. McMahon be authorized to execute any and all necessary documents required for the financing of said vehicles, including, but not limited to, a certain contractual agreement between Wachovia Bank and the City of Reading (**Law**)

Award of Contract - to Mr. Rehab, Inc., 3 Long Lane, Mechanicsburg, PA 17050, who is the low bidder, at a total submitted bid price of \$830,714.10 for the sanitary sewer system smoke testing and dyed water tracing (**Purchasing**)

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

Reading Area Water Authority – Dean Miller

ORDINANCES FOR FINAL PASSAGE

Ordinance – Requiring the POW MIA flag be flown at all City owned public buildings
(Fuhs) Introduced at the September 8 regular meeting of Council

Ordinance – amending the Sidewalk Vendor Ordinance by changing the location and increasing the number of mobile food vendors **(Council Staff) Introduced at the September 8 regular meeting of Council**

Ordinance - amending the City Of Reading 2008 Full-Time Position Ordinance by eliminating the Community Development Manager position and creating the Community Development Director position **(Managing Director) Introduced at the September 8 regular meeting of Council**

Ordinance - setting the salary of the Managing Director at \$100,000 **(Mayor) Introduced at the September 8 regular meeting of Council**

Ordinance - amending the City of Reading Codified Ordinances, Property Maintenance Code by changing the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance to make it comply with the newly enacted Housing Permit Ordinance **(Law Dept) Introduced at the September 8 regular meeting of Council**

Pending Advertisement and Public Hearing Required by MPC Notice of Pending Ordinance Doctrine

Ordinance – amending the Zoning Ordinance by prohibiting rental uses in the R-1, R-1A and R-2 Zoning Districts **(Councilor Marmarou & Council Staff) Introduced at the March 24 regular meeting of Council**

Ordinance - to amend the City of Reading Zoning Ordinance by amending the definition of Life Care Retirement Facility and Nursing Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefore in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and correcting the requirements of

Residential Care Facility as a Conditional Use (**Law Department**) *Introduced at the August 20 special meeting; pending public hearing scheduled for October 8th*

Pending – Further Review Required

Bill No. 26-2008 - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (**Council Pres. Spencer- Council Staff**) *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting*

Ordinance - amending the FY 2006-2012 capital improvement plan for the City of Reading (**Finance Department**) *Introduced at the June 23 regular meeting; Referred to the Finance & Public Works Committees; Referred to the 9-2 Public Safety Committee*

Bill No. 56-2008 - an ordinance creating a committee to assist, guide and participate in the amendment and revision of the City Of Reading Zoning Ordinance, Subdivision And Land Development Ordinance (SALDO) and Official Map (**Law Dept**) *Introduced at the August 25 meeting of Council; tabled at the September 8 regular meeting*

Ordinance - amending 1-271 of the City of Reading Personnel Code (Salary Administration) by amending the Salary Range for the Community Development Director (**Managing Director**) *Introduced at the September 8 regular meeting of Council*

Ordinance - set the Salary of the Community Development Director at \$95,000 (**Managing Director**) *Introduced at the September 8 regular meeting of Council*

INTRODUCTION OF NEW ORDINANCES

Ordinance - Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled “Failure To Report Lost Or Stolen Firearms”, Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties (**Mayor**)

Ordinance - Amending the 2008 City Of Reading Full-Time Position Ordinance by Eliminating and Creating Positions As Outlined Herein

RESOLUTIONS

Resolution – appointing Dennis Straub to an alternate position on the Animal Control Board (**Admin Oversight**)

Resolution – reappointing Ermete Raffaelli to the Planning Commission (**Admin Oversight**)

Resolution – reappointing Elizabeth Stanley to the Charter Board (**Admin Oversight**)

Resolution - seeking injunctive or declaratory judgment relief on the proposed sale of the airport parcel (**City Council**)

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, September 22nd

Meeting with the Mayor – Mayor’s Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Thursday, September 25th

Local Redevelopment Authority – 5 pm

Monday, September 29th

HARB Appeal Hearing – Council Chambers – 5 pm

Monday, October 6

Meeting with the Mayor – Mayor’s Office – 4 pm

Public Safety Committee – Council Office – 5 pm

Finance Committee – Council Office – 5 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, September 22

DID Authority – Reading Eagle 3rd floor Conference Room – noon
BARTA – BARTA Office – 3 pm
Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm
Charter Board – Penn Room – 7 pm
Penn's Commons Neighborhood Group – Penn's Commons Meeting Room – 7 pm

Tuesday, September 23

Housing Authority Workshop – WC Building – 4 pm
Housing Authority – WC Building – 5 pm
Human Relations Commission – Penn Room – 5 pm
Library Area neighborhood Assn – Unitarian Church – 6:30 pm
District 7 Crime Watch – Holy Spirit Church – 7 pm

Wednesday, September 24

Parking Authority – Parking Authority Office – 5 pm
District 6 Crime Watch – 13th & Green Elementary School – 6:30 pm
Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 pm
18th & Cotton Crime Watch – St. Matthew's United Methodist Church – 7 pm
Northeast Crime Watch – Northeast Library – 7 pm
Stadium Commission – Stadium RBI Room – 7:30 pm

Thursday, September 25

Water Authority – Penn Room – 4 pm

Saturday, September 27

Cruise for K-9's – Evergreen Country Club – noon

Wednesday, October 1

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm
Board of Health – Penn Room – 6 pm
District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

Thursday, October 2

Police Civil Service Board – Penn Room – noon
Glenside Community Council – Christ Lutheran Church – 6:30 pm
District 3 Crime Watch – Calvary Baptist Church – 7 pm
Legislative Aide Committee – Penn Room – 7:30 pm

Monday, October 6

Centre Park Artifacts Bank – 705 N 5th St – noon
Shade Tree Commission – Planning Conference Room – 6 pm
Wyomissing Park Property Owner's Assn – Member's Homes – 6:30 pm

Wednesday, October 8

Zoning Hearing Board – Penn Room – 5:30 pm
Center City Community Organization – Holy Cross Church – 6 pm
Greenwich Seed – Hope Lutheran Church – 6:30 pm

Thursday, October 9

Police Pension Board – Penn Room – 10 am
Southeast Community Council – Amanda Stoudt Elementary School – 7 pm

Sunday, October 12

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, October 13

Fire Civil Service Board – Penn Room – 4 pm
6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm
Charter Board – Penn Room – 7 pm

City of Reading City Council

Regular Meeting Monday, August 25, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Council President Spencer called the meeting to order.

The invocation was given by Father John Francis of Christ Episcopal Church.

All present pledged allegiance to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman-Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Councilor M. Baez, District 5
Councilor J. Waltman, District 6

Mayor T. McMahon
Acting Managing Director R. Hottenstein
Public Works Director C. Jones
City Solicitor C. Younger
City Auditor D. Cituk
Public Works Director C. Jones
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

- There were no proclamations or commendations issued at this meeting.

PUBLIC COMMENT

Council President Spencer announced that two citizens were registered to address Council on agenda matters. He reminded those registered of the speaking rules listed on the agenda.

Rick Hinnershitz – of South 15th Street, voiced the need for the City to hire a construction and project manager to oversee the project at the Waste Water Treatment Plant. He described the effort used to circulate citizens petitions to make sure this issue is considered by City Council.

Jim Scheidner – of South 17th Street, noted the importance of having a construction and project manager to oversee the design of the Waste Water treatment Plant. He noted the importance of citizen participation in City Government and asked Council to approve the award of contract for a project and construction manager placed on the agenda through citizen initiative.

THE AGENDA AND THE MINUTES

Council President Spencer called Council's attention to the minutes from the August 11th meeting and the agenda, including items under the Consent Agenda heading. He stated that Bill 43-2008 currently listed under the pending heading will be considered by Council tonight.

Councilor Marmarou moved, seconded by Councilor Waltman, to approve the agenda including the items under the Consent Agenda Heading and the minutes from the August 11th Regular Meeting of Council.

Consent Agenda Legislation

Resolution 91–2008 – To amend the FFY2008 one year Action Plan and the FFY2004 to FFY2008 five year Consolidated Plan to provide an additional \$170,000 in un-programmed CDBG funds for renovations to Hillside Playground. The new CDBG funding total will be \$285,000 (**Community Development**)

Award of Contract – Awarding of Contract for the design of a new Police Firing Range for the Reading Police Department to W2A Design Group, 609 Hamilton Street, Allentown, PA 18101 (**Purchasing**)

Award of Contract - Awarding of Contract for improvements to the Hillside Playground for the Departments of Public Works and Community Development to Bertolet Construction Corporation, 100 South Church Road, Wernersville, PA 19565, at a total submitted bid price of \$318,864.00 for various improvements to the Hillside Playground (**Purchasing**)

ADMINISTRATIVE REPORT

Acting Managing Director Hottenstein highlighted the report distributed to Council at the meeting covering the following:

- 2008 Leaf Collection starting Monday October 27th
- Centre Park Arts and Antiques Fair scheduled for September 14th from 10 am to 5pm

Councilor Fuhs inquired when the installation of the security cameras would begin. Acting Managing Director Hottenstein stated that the installation will begin tomorrow August 26th and will be operational by year end.

Councilor Fuhs noted past statements by the Mayor that tax payer dollars would not be used to fund public art effort. He inquired about the Mayor's desire to obtain money from the Reading Redevelopment Authority to move the public art effort forward.

Mayor McMahon replied that the money he is seeking from the Redevelopment Authority is left over from past collections made by the Fine Arts Board. He explained that the Fine Arts Board collected 1% of the total amount of construction projects for Public Art efforts.

Councilor Goodman-Hinnershitz noted the use of the United Way to assist residents displaced through the housing permit process. Acting Managing Director Hottenstein noted that the implementation of the new housing permit ordinance has been phased. As the City reaches the enforcement phase they have partnered with United Way to assist tenants displaced when illegal or unsafe buildings are closed down.

Councilor Waltman requested a report on the impact leaf collection has on street sweeping services.

AUDITORS REPORT

City Auditor Dave Cituk read the report distributed to Council covering the following

- Collection of 2008 Admissions Fee
- Collection of 2008 Real Estate Transfer Tax

ORDINANCES FOR FINAL PASSAGE

Bill 54-2008 – Amending The City Of Reading Zoning Ordinance Per Exhibit “A,” To Create, Add And Define The Use Of Student Home As A Conditional Use And Requirements Therefor In The City Of Reading R-1a (Residential), R-1 (Residential) And R-2 (Residential) Zoning Districts And As A Permitted Use In R-3 (Residential) City of Reading Zoning Districts (**Public Safety Committee & Law Department**) *Introduced at the July 14 meeting; Public Hearing held Wed, Aug 20th at 5 p.m. in Council Chambers*

Councilor Moved moved, seconded by Councilor Fuhs, to enact Bill 54-2008.

Councilor Sterner noted the work of the Public Safety Committee to bring creative legislation forward to provide better controls on rental housing.

Councilor Marmarou noted the extensive research performed by Council Staff and the Solicitor's Office to find applications that have been successful in other cities. He stated that the northeast area of the City, surrounding Albright College, was developed in the late 1920's and early 1930's. He stated that this area, zoned R-2, was designed as an owner occupied, single family neighborhood. He noted that currently the area between Perry and Union, Palm to 13th Streets has more rental properties than owner occupied properties. He noted that in the 1500 block of N. 14th Street alone there are over 6 rental properties. He noted the outcry from residents about the change in quality of life caused by the upswing in rental properties.

Councilor Goodman-Hinnershitz expressed the belief that Council has effectively responded with a planned approach to provide ordinances that protect the quality of life of the City's residential neighborhoods.

Councilor Waltman noted that not all student properties are problem properties and suggested that Council and the Administration continue working to further address housing issues.

Councilor Marmarou agreed that the majority of student rental properties are filled with good mannered, responsible students; however, others do cause problems and spoil the situation for all. He noted the student housing task force's work to educate the student population about the City's rules, laws, and regulations.

Bill 54-2008 was enacted by the following vote:

**Yeas – Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,
Spencer, President – 7
Nays – 0**

Bill No. 49–2008 – Storm Water Management (Public Works/Solicitor)
Introduced at the July 14 meeting; Tabled at the July 28 meeting due to lack of map; map attached

Councilor Waltman moved, seconded by Councilor Sterner, to enact Bill 49–2008.

Public Works Director Jones explained that this ordinance addresses Storm Water Management and brings the city in compliance with state and federal regulations. He stated that Reading has two watersheds; Tulpehocken Creek and Schuylkill River. He explained the difference between storm water and waste water.

Councilor Goodman–Hinnershitz stated that littering and illegal dumping often sends trash into the storm water system. Public Works Director Jones stated that this Ordinance does not address trash and litter in the storm water system.

Councilor Waltman expressed the belief that while the street sweeping process helps it does not cure the problem caused by littering. Public Works Director Jones noted that the street sweeper does not pick up litter.

Bill 49–2008 was enacted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7

Nays – 0

Bill No. 43–2008 – amending the Housing Permit Ordinance by reducing the number of Disruptive Conduct Reports needed for the eviction of the tenant(s) to two and increasing the appeal fee from \$50 to \$75 (Council Public Safety Committee) *Introduced at the May 12 regular meeting; Tabled at the May 27 regular meeting; Reintroduced at the July 28 regular meeting; review by HUD required*

Councilor Sterner moved, seconded by Councilor Goodman–Hinnershitz, to enact Bill 43–2008.

Councilor Sterner explained that the Public Safety Committee has been working on this ordinance since February 2008. He noted the extensive research performed by Council Staff to improve this ordinance. He stated that currently three disruptive conducts reports must occur before a tenant is evicted. This ordinance will reduce the number of disruptive conduct reports to two.

Councilor Goodman–Hinnershitz stated that this ordinance has worked here and in other cities. She expressed the belief that this amendment will provide further assistance. This improvement will greatly assist those negatively by affected by disruptive neighbors.

Council President Spencer also reminded everyone that this amendment also increases the appeal fee from \$50 to \$75.

Bill 43–2008 was enacted by the following vote:

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman,
Spencer, President – 7**

Nays – 0

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record.

Ordinance – Amending the City of Reading Codified Ordinances, Chapter 7 Housing which will amend the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance as referred to as Renewal Inspection; removes the word points from the ordinance and replaces it with violations; and amends the required Addendum to Rental Agreement to remove limitation of no more than 5 persons in rooms or common areas It is amended to refer to limit to habitable space per applicable Ordinances (**Law Dept**)

Ordinance – An Ordinance Creating A Committee To Assist, Guide And Participate In The Amending, Revising And Rewriting Of The City Of Reading Zoning Ordinance, Subdivision And Land Development Ordinance (SALDO) And Official Map (Law Dept)

RESOLUTIONS

Resolution 92–2008 – appointing Alicia Snead to the Human Relations Commission (Admin Oversight)

Administrative Oversight Committee moved, seconded by Councilor Goodman–Hinnershitz, to adopt Resolution 92–2008.

Councilor Marmarou thanked Ms. Snead for stepping forward to volunteer on the Human Relations Commission.

Resolution 92–2008 was enacted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7

Nays – 0

Resolution 93–2008– upholding the decision of HARB to deny a certificate of appropriateness for the installation of ceramic tile on the porch floor of 1050 North 5th St.

Councilor Marmarou moved, seconded by Councilor Goodman–Hinnershitz, to adopt Resolution 93–2008.

Councilor Waltman expressed his belief in the value of Historic Districts and noted the need for the details of buildings in those districts to be retained.

Councilor Baez agreed with the need to retain historical features of buildings in Historic Districts. She stated that in this instance the owner understood the need for a permit before undertaking the project.

Resolution 93–2008 was enacted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman,
Spencer President – 7

Nays – 0

Resolution 70–2008 – awarding the construction and project manager contract to Hill International/Weston Solutions/ Hazen Sawyer at a not to exceed price of \$7,825,075 for services at the City’s Wastewater Treatment Plant and also authorizing the issuance of an Advance Notice to Proceed to allow work to begin while the final contract is being assembled and executed.

*(Initiated through Citizen Petition submitted
Monday August 18, 2008)*

Councilor Fuhs moved, seconded by Councilor Marmarou, to table Resolution 70–2008.

Resolution 70–2008 was tabled by the following vote:

Yeas – Baez, Fuhs, Marmarou, Spencer–4

Nays – Goodman–Hinnershitz, Sterner, Waltman, –3

COUNCIL COMMENT

Councilor Fuhs explained that by tabling Resolution 70–2008 (award of contract for construction and project manager) will allow Council to take additional time to explore the issue. He explained the members of Council undertook the citizen position process by having friends circulate the petitions.

Councilor Fuhs stated that his concerns with the Giannasca Riverview Development go back to June 5th when the Administration requested that Council amend the agenda to include a resolution that would adopt the master developer agreement at the June 8th session. He stated that after he and Council President Spencer reviewed the document many flaws were noted; therefore,

Council refused to add this resolution to the agenda and asked the Administration to have it reviewed by independent Counsel. He stated that this document was put forward without sufficient legal review by the City Solicitor or independent legal counsel.

Councilor Baez stated that she voted in favor of tabling the project construction manager resolution to allow the Charter Board time to prepare their advisory opinion.

Councilor Goodman–Hinnershitz expressed the belief that tabling the resolution for the project and construction manager was unfair as it undercut discussion required by the citizen petition. She expressed the belief that the Administrative Code is faulty in providing the Council President with the individual power to control the agenda. She expressed the belief that a separate petition should be circulated to require a change in that section.

Councilor Waltman stated that he was unaware of a request for an Advisory Opinion from the Charter Board. He stated that this request does nothing more than delay this issue further.

Councilor Sterner inquired if the Council President will again remove the Resolution from the Agenda.

Council President Spencer explained his questions with the wording on the petition requiring reconsideration of the Resolution. He noted that the action requested on the petition was already taken by Council at the July 28th regular Meeting of Council. He stated that the petition should have requested that Council take action on the award of contract. He noted his discussions on this issue with City Solicitor last week. He expressed the belief that the language used in the petition may be improper.

Councilor Sterner questioned the intent of the minority to create difficulties for the majority who approve of this award of contract. He noted the need for this issue to move forward.

Councilor Sterner noted his appreciation for the City's rehabilitation of the Hillside Playground. He noted the great effort by the Hillside organization.

Councilor Goodman-Hinnershitz expressed the belief that the citizens who signed the petition will be concerned with the lack of action or discussion on this issue brought forward by their initiative. She expressed her belief in the process used and in the ability of citizens to address these issues.

Councilor Fuhs expressed the belief that the citizen initiative processes should not be used by City Council members. He expressed his belief in the Council President's ability to control the agenda. He explained the need for a supermajority of Council to override a decision made by the President of Council. He congratulated Councilor Baez for her courage that will allow language to be further reviewed. He noted the effort of the Mayor to sway the position of certain Councilors.

Councilor Waltman noted the need for the Solicitor to provide an opinion. He expressed the belief that the public initiative deserved discussion. He added that the actions taken tonight are wasting more time.

Council President Spencer noted his disagreement with the opinion of the Solicitor inspired him to seek further counsel from the Charter Board.

Councilor Fuhs inquired if the City Solicitor participated in drafting the language used on the petition.

City Solicitor Younger stated that he did assist in drafting the language of the petition. He inquired if the Council President sent an Advisory Opinion to the Charter Board. Mr. Spencer stated that the request for an opinion was sent.

City Solicitor expressed the belief that the item on the agenda should be considered and discussed by Council.

Council President Spencer explained that he is seeking an Advisory Opinion on the language used on the petition. He expressed concern that the mis-wording

on the petition could have left citizens unsure about the meaning of the document.

Councilor Waltman noted his respect for the concern of the Council President. He suggested that petitions be re-circulated to reword the language.

Council President Spencer expressed the belief that those who drafted the Home Rule Charter and the Administrative Code wanted to protect the minority representation as they requested a super majority vote to amend the agenda. He noted that Robert's Rules also uses this application.

Councilor Baez stated that she is still in favor of the award of contract but agrees with the need for advice from the Charter Board. She stated that Council did indeed act on the issue brought forward by citizen initiative. Although the issue was not discussed this evening it will be discussed at a future session.

Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the Regular Meeting of Council.

Linda Kelleher
City Clerk

City of Reading City Council

Regular Meeting Monday, September 8, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Council President Spencer called the meeting to order.

The invocation was given by Pastor Lee Ritz, of Hampden Mennonite Church.

All present pledged allegiance to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman-Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Councilor M. Baez, District 5
Councilor J. Waltman, District 6

Mayor T. McMahon
Acting Managing Director R. Hottenstein
Public Works Director C. Jones
City Solicitor C. Younger
City Auditor D. Cituk
Public Works Director C. Jones
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

The Mayor issued a proclamation to the National Association of Insurance Financial Advisors in honor of National Insurance month.

PUBLIC COMMENT

There were no citizens registered to address Council at this meeting.

THE AGENDA AND THE MINUTES

Council President Spencer called Council's attention to the agenda for this meeting. He noted that a motion to approve the agenda would include the legislation listed under the consent agenda heading. He noted the Administration's request to withdraw the Resolution regarding the appointment of the Community Development Director.

Councilor Fuhs moved, seconded by Councilor Goodman–Hinnershitz, to approve the agenda including the legislation under the Consent Agenda Heading. The motion was approved unanimously.

Consent Agenda Legislation

Resolution – authorizing the City of Reading to file a funding proposal through the Department of Community and Economic Development Early Intervention Program to request funding (\$50,000.00) of the total project cost (\$100,000.00) for the City to retain consultant services to complete a User Fee Study and an Assets Sales analysis **(Man Dir)**

Award of Contract – to Morganrail, Inc., 94 Willow Creek Road, Temple, PA 19560, at a total submitted bid price of \$123,390 for guide rail replacement along Duryea Drive for the Department of Public Works. Morganrail, Inc. is the low bidder to meet the specifications **(Purchasing**

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Letter to all City Residents regarding the need for all landlords to obtain proper rental permits.
- Announcing that September is library card sign up month at the Reading Public Library

Councilor Goodman–Hinnershitz noted the outstanding refurbishment of the residential property located at Hill and Clymer Streets. She congratulated the Penn’s Common neighborhood group and the property owner for working to restore this prominent property.

AUDITORS REPORT

City Auditor Dave Cituk read the report distributed to Council covering the following

- 2008 Unemployment Compensation Expenses
- Comparison of General Fund Balances between 1991–2007
- Schlegel Park Pool Revenue Collections

Councilor Fuhs stated that the \$4.1 million fund balances listed in the Auditor’s Report is less than that estimated. City Auditor Cituk stated that the original estimate of \$5.8 million was reduced after the City’s final expenses were calculated and the books for 2007 closed.

Councilor Goodman–Hinnershitz inquired if the report in Schlegel Park Pool revenue includes operational expenses. City Auditor Cituk replied that the report shows only revenue collected. The operational expenses are not shown.

ORDINANCES FOR FINAL PASSAGE

Bill No 55-2008 – Amending the City of Reading Codified Ordinances, Chapter 7 Housing which will amend the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance as referred to

as Renewal Inspection; removes the word points from the ordinance and replaces it with violations; and amends the required Addendum to Rental Agreement to remove limitation of no more than 5 persons in rooms or common areas It is amended to refer to limit to habitable space per applicable Ordinances (Law Dept) *Introduced at the August 25 meeting of Council*

Councilor Waltman moved, seconded by Councilor Marmarou, to enact Bill 55–2008.

City Solicitor Younger stated that the current Ordinance requires all properties to be inspected every three years. This extension will enable the codes office to more easily perform the required inspections.

Bill 55–2008 was enacted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman,
Spencer, President – 7
Nays – 0

Bill No. 56-2008 - an ordinance creating a committee to assist, guide and participate In the amendment and revision of the City Of Reading Zoning Ordinance, Subdivision And Land Development Ordinance (SALDO) and Official Map (Law Dept) *Introduced at the August 25 meeting of Council*

Councilor Waltman moved, seconded by Councilor Baez, to table Bill 56–2008.

Bill 56–2008 was tabled by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman,
Spencer, President – 7
Nays – 0

Council President Spencer stated that before enacting this Ordinance creating the Zoning Ordinance Committee the body of Council wishes to review the scope of services provided by the Committee.

Bill No. 57-2008 - amending the City Of Reading Code Of Ordinances Chapter 6, Part 7, School Time Curfew, to add a new section restricting loitering at any school building while school is in pertaining to prohibited conduct of juveniles on school days as attached in Exhibit A (Police Dept) *Introduced at the August 11 regular meeting; referred to the 9-2 Public Safety Committee*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 57-2008.

Councilor Sterner stated that this Ordinance is aimed at public safety and the reduction of criminal activity. He stated that this amendment came at the request of the Police Department working with the Reading School District. The amendment expands effective time of the ordinance to 3:30 pm and includes all school buildings.

Councilor Goodman-Hinnershitz noted the work of Police Chief Heim and Deputy Chief Talbot to fort the disruptions caused by loitering at school buildings.

Bill 57-2008 was enacted by the following vote:

Yeas – Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,
Spencer, President – 7
Nays – 0

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record.

Ordinance – Requiring the POW MIA flag be flown at all City owned public buildings (Fuhs)

Ordinance – amending the Sidewalk Vendor Ordinance by changing the location and increasing the number of mobile food vendors (Council Staff)

Ordinance – amending 1-271 of the City of Reading Personnel Code (Salary Administration) by amending the Salary Range for the Community Development Director (**Managing Director**)

Ordinance – set the Salary of the Community Development Director at \$95,000 (**Managing Director**)

Ordinance – amending the City Of Reading 2008 Full-Time Position Ordinance by eliminating the Community Development Manager position and creating the Community Development Director position (**Managing Director**)

Ordinance – setting the salary of the Managing Director at \$100,000 (**Mayor**)

Ordinance – amending the City of Reading Codified Ordinances, Property Maintenance Code by changing the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance to make it comply with the newly enacted Housing Permit Ordinance (**Law Dept**)

RESOLUTIONS

Resolution 70-2008 – awarding the construction and project manager contract to Hill International/Weston Solutions/ Hazen Sawyer at a not to exceed price of \$7,825,075 for services at the City's Wastewater Treatment Plant and also authorizing the issuance of an Advance Notice to Proceed to allow work to begin while the final contract is being assembled and executed. *(Initiated through Citizen Petition submitted Monday August 18, 2008) Tabled at the August 25 meeting*

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 70-2008.

Councilor Fuhs stated that this contract was worth \$7.8 million. He inquired the use of (not to exceed) language. He inquired how the City will react if the cap is reached and the work is not completed. Acting Managing Director Hottenstein stated that this is standard language.

Councilor Fuhs expressed the belief the process used by the Administration was convoluted and caused Council to undertake some investigation. He stated that some questions from Council are unanswered. He also noted the information gained by speaking with other neutral engineering firms. He noted the need for careful monitoring of the financial disparities included in the contract. He also noted the Administration's past promise to bifurcate the project and construction management components in award contracts to separate bidders to provide careful checks and balances. He expressed the belief that combining the project and construction management services steps away from those best business practices and proper oversight.

Councilor Waltman expressed the belief that the information gained through meeting with the firms recommended for the positions was helpful. He noted that it is not uncommon for the construction and project manager to be joined.

Councilor Sterner expressed his hope that at some point this project at the Waste Water Treatment Plant will be reviewed by an independent set of eyes. He stated that the citizens committee previously discussed may be helpful.

Councilor Goodman-Hinnershitz noted the need for the City to make its best judgment while staying in compliance with the consent decree. She expressed the belief that the memorandum of understanding discussed at the Committee of the Whole meeting can help by setting standards that allow inquiry at the beginning of each contract process.

Councilor Fuhs stated that the only people to benefit by combining the project and construction manager are the firms themselves as it increases the value of the contract. He expressed the belief that the City and its taxpayers will not benefit from the combination of services as combination removes the City's ability to have independent review.

Council President Spencer inquired if the actual contract has been assembled. Public Works Director C. Jones stated that the contract will not be assembled until Council acts to award the contract. He explained that advance notice will allow the contractors to begin working before the contract is drafted and executed which will allow them to begin work immediately. He then explained the chain of events that occurs after Council approves a contract.

Council President Spencer expressed the belief that the financial component of the contract, the process to fund the waste water treatment plant project, should be performed by the City's financial advisor not by a contractor.

Resolution 70–2008 was adopted by the following vote:

Yeas – Baez, Goodman–Hinnershitz, Marmarou, Sterner, Waltman – 5
Nays – Fuhs, Spencer–President 2

**Resolution 95–2008– appointing Aldora Horne to the Fire Diversity Board
(Admin Oversight)**

The Administrative Oversight Committee moved to adopt Resolution 95–2008.

Resolution 95–2008 was adopted by the following vote:

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman,
Spencer President – 7**
Nays – 0

**Resolution 96–2008 – appointing Ryan P. Hottenstein as Managing Director
(Mayor)**

**Councilor Baez moved, seconded by Councilor Goodman–Hinnershitz, to adopt
Resolution 96–2008.**

Mayor McMahon stated that Mr. Hottenstein has been filling this role for six months and believes that as he has handled it well and deserves to be appointed as Managing Director.

Councilor Fuhs congratulated Mr. Hottenstein for achieving the nomination. He noted his belief in the integrity of Mr. Hottenstein; however, he stated that he will not support Mr. Hottenstein's appointment.

Council Fuhs questioned the Mayor about the search process to find candidates to fill the position. Mayor McMahon stated that the Administration advertised in the Reading Eagle for eight days, advertised in two of the ICMA Journals, and advertised on government.com for two months.

Councilor Sterner inquired if a head hunter was used. Mayor McMahon replied that the Administration did not use a head hunter to avoid spending the additional money. He stated that the search was conducted by Human Resources. Councilor Fuhs noted Mayor McMahon's rejection of the offer to assist in the search by the Greater Reading Chamber of Commerce.

Councilor Fuhs inquired how many applied to fill the position. Mayor McMahon stated that 45 applications were received. Human Resources narrowed that to five candidates.

Councilor Fuhs inquired about the interview process used. Mayor McMahon stated that he believed Human Resources conducted some type of interview process. He stated that he did not meet with any of the candidates recommended by Human Resources. He expressed that none of the candidates came with Mr. Hottenstein's qualifications.

Mr. Waltman expressed his belief in the ability and qualification of Mr. Hottenstein.

Councilor Baez expressed her belief in the abilities of Mr. Hottenstein, but suggested that the Administration use a broader search process when filling future Department Director positions.

Councilor Sterner expressed his belief in the knowledge of Mr. Hottenstein.

Councilor Fuhs stated again that he will not support the nomination as he disagrees with the selection and interview process. He questioned the Mayor's true intent by not

interviewing or not interacting with any of the candidates recommended by Human Resources.

Council President Spencer expressed the belief that the African American demographic has been underrepresented in the City's upper management. He agreed with the faulty selection process used by the Mayor. He expressed the belief that Mayor McMahon is promoting Mr. Hottenstein too quickly to the highest executive position. He stated that Mr. Hottenstein only began working for the City five years ago, coming in as an intern, progressing to purchasing manager, then Finance Director. He expressed his belief that this position should be filled by someone of the highest experience and qualification ratings. He also noted the need for qualified minority candidates to be identified.

Mayor McMahon expressed the belief that more minorities should become more involved on the Boards Authorities and Commissions.

Councilor Waltman expressed the belief that this decision is in the best interest of the City.

Council President Spencer disagreed stating that the best decision would come after a proper selection process.

Resolution 96–2008 was enacted by the following vote:

Yeas – Baez, Goodman–Hinnershitz, Sterner, Waltman –4

Nays – Fuhs, Marmarou, Spencer–President –3

COUNCIL COMMENT

Councilor Fuhs announced his town meeting scheduled for September 11th at 7 pm at Calvary Church. He stated that several City Officials will attend to address neighborhood concerns.

Councilor Marmarou noted the upcoming College Heights Community Council Meeting on Sunday September 14th to address neighborhood issues and issues surrounding the re-use of the Caum Home.

Councilor Goodman–Hinnershitz announced the September 11th meeting of People’s Choice Community group and the upcoming events at Amanda’s Garden.

Councilor Goodman–Hinnershitz stated that the guard rails along Duryea Drive will be replaced. She stated that the materials will be upgraded to comply with current standards.

Councilor Goodman–Hinnershitz thanked the Administration for conducting a codes sweep on the 1300, 1400, and 1500 blocks of Perkiomen Avenue. She urged citizens to report problems in their neighborhoods.

Councilor Waltman noted the incorrect acieration listed in the Reading Eagle story about the September 2nd Finance Committee Meeting.

Councilor Waltman also noted the success of the Latin American Festival over the past weekend.

Councilor Baez congratulated Joe Ayala for starting the boxing club program at Baer Park.

Councilor Baez announced the Dare 2 Care town meeting scheduled for Thursday, September 18th. She noted the group’s plan to conduct a fundraiser on Saturday, October 4th at the Bethel AME Church. The group is seeking funds to purchase and install a fence behind the church.

Mayor McMahon announced the memorial services scheduled for Thursday, September 11th at City Park.

Councilor Sterner urged all neighbors to report loitering and curfew problems to the police.

Council President Spencer congratulated Mr. Hottenstein on his appointment.

Council President Spencer, regarding the award of contract, stated that Council never questioned the skills or qualifications of proposed companies recommended by the Administration only the process used by the Administration.

Council President Spencer noted the victory of the RHS football team which returns the historic block of coal to Reading High School. He described this long standing rivalry.

Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the Regular Meeting of Council.

Linda Kelleher
City Clerk

RESOLUTION _____ - 2008

Whereas, the City of Reading has received a proposal from Land – Tech Enterprises Inc for renovations and improvements to Baer Park; and

Whereas, the City of Reading desires to contract with Land – Tech Enterprises Inc to obtain said renovations and improvements; now therefore,

The Council of the City of Reading hereby resolves as follows:

That Mayor Thomas M. McMahon be authorized to execute any and all necessary documents required for the financing of said renovations and improvements, including, but not limited to, a certain contractual agreement between Land – Tech Enterprises and the City of Reading (see attached Exhibit).

Passed Council _____, 2008

President of Council

Attest:

City Clerk

RESOLUTION _____-2008

Whereas, the City of Reading has received a proposal from Wachovia Bank for financing for the purchase of seven police vehicles; and

Whereas, the City of Reading desires to contract with Wachovia Bank to obtain said police vehicles; now therefore,

The Council of the City of Reading hereby resolves as follows:

That Mayor Thomas M. McMahon be authorized to execute any and all necessary documents required for the financing of said vehicles, including, but not limited to, a certain contractual agreement between Wachovia Bank and the City of Reading (see attached Exhibit).

Passed Council _____, 2008

President of Council

Attest:

City Clerk

AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: September 22, 2008
AGENDA MEMO DATE: September 17, 2008
RECOMMENDED ACTION: Awarding of Contract for Sanitary Sewer System
Smoke Testing and Dyed Water Tracing

RECOMMENDATION

The recommendation is to award the contract to Mr. Rehab, Inc., 3 Long Lane, Mechanicsburg, PA 17050, who is the low bidder, at a total submitted bid price of \$830,714.10 for the sanitary sewer system smoke testing and dyed water tracing.

BACKGROUND

Bids for the evidence storage conversion for the Police Department were received on August 15, 2008. The low bid for the general prime contract is \$830,714.10.

BUDGETARY IMPACT

The Department of Public Works has confirmed that funds sufficient for this contract have been included in the Sewer Line of Credit for Project Number 54-07-43-101, Account Number 54-07-43-4830.

PREVIOUS ACTION

Council approved the Consent Decree which describes the need for the investigation of the sanitary sewer system prior to the development and rehabilitation for the system.

SUBSEQUENT ACTION

Additional contract for close circuit televisual inspection of the sewer system and appropriate rehabilitation will follow.

RECOMMENDED BY

Mayor, Managing Director, Director of Finance, Public Works Director.

RECOMMENDED MOTION Approve/Deny the recommendation to award the general prime contract to Mr. Rehab, Inc. for the sanitary sewer system smoke testing and dyed water tracing.

cc: File

RECOMMENDATION MEMORANDUM

TO: Charles Jones, Public Works Director DATE: September 17, 2008
FROM: Heather Dunkle, Purchasing Coordinator
SUBJECT: Contract –

May we please have your recommendation on the award of the above listed bid. All bids are available for review in the Office of the Purchasing Coordinator. The completed form should be returned to the Office of the Purchasing Coordinator no later than **MONDAY, SEPTEMBER 29, 2008, AT 2:00 P.M.** Please issue a Requisition for the Contract in USL, if a recommendation is made.

1. After reviewing the bids, recommendation is made to award the contract to Mr. Rehab, Inc. 3 Long Lane, Mechanicsburg, PA 17050 who is the low bidder.

2. The above listed bidder meets or exceeds all City specifications for this bid
yes

3. After reviewing the bids, recommendation is made to award the contract to N/A
who is not the low bidder.

Justification:

4. Reject all bids. Justification:

5. Budget Account Code and Total amount to be charged Project Number 54-07-43-101,

Account Number 54-07-43-4830 \$830,714.10

6. I have checked with the Accounting Office and have determined sufficient funds are available in this account code
YES – Line of Credit

7. Amount remaining in this account code after the contract funds are encumbered: \$4,169,285.90

8. Is this item in the Capital Equipment/Improvement Budget for the current fiscal year? No, Sewer Line of Credit

9. What amount is listed in the Capital Budget?

10. Is this bid for the entire project or is this a phase? Entire Project

ORDINANCE _____ - 2008

**AN ORDINANCE OF THE CITY OF READING REQUIRING THAT THE POW/MIA
FLAG BE FLOWN AT ALL CITY OWNED PUBLIC BUILDINGS**

Whereas, while we owe a debt to all the brave men and women who have served our nation at times of utmost peril, a special debt is owed to those who did not return; and

Whereas, the loss of a loved one under any circumstances is tragic, but the pain and suffering experienced by the families of our servicemen and women held in action or missing in action is magnified when the fate of the loved one is unknown; and

Whereas, we are profoundly grateful for the strength and fidelity of family and friends of these brave Americans; their cause, an unwavering dedication to leave no American soldier on the battlefield, is our cause.

Now, therefore, the Council of the City of Reading ordains as follows:

The City of Reading City Council requires that the POW/MIA flag be flown at all City owned public buildings.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Fuhs)

BILL NO. _____-2008
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES SECTION 10-1705 CHANGING THE LOCATION AND NUMBER OF MOBILE FOOD VENDORS

SECTION 1. Amending the City of Reading Codified Ordinances Section 10-1705 1 as follows:

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of ~~8th Street~~ **Front Street** and the eastern border of 11th Street.

SECTION 2. Amending the City of Reading Codified Ordinances Section 10-1705 2 (A) as follows:

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines *will be issued annually*. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Council Office)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PART 17 SIDEWALK VENDORS

§10-1701. Purpose

The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect public facilities.

Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

(Ord. 63-2007, 8/13/2007, §1)

§10-1702. Title

This Part shall be known as the "Sidewalk Vendor Ordinance."

(Ord. 63-2007, 8/13/2007, §1)

§10-1703. Interpretation

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

(Ord. 63-2007, 8/13/2007, §1)

§10-1704. Definitions

For the purpose of this Part, certain terms shall be defined as follows:

COMMERCIAL CORE ZONING DISTRICT - the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

KIOSK - a freestanding structure upon which temporary information and/or posters, notices and announcements are posted; an open gazebo, pavilion or similar structure used as a newsstand, refreshment booth or the like.

OFFICIAL MAP - the topographical survey of the City of Reading, Pennsylvania on file in the Engineering Office.

PASSABLE - free of any impediment or obstruction, whatsoever, that would hinder the travel of the public.

PUBLIC RIGHT-OF-WAY - any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

PUBLIC OUTDOOR PAY TELEPHONE - any outdoor publicly accessible pay telephone any portion of which, or its enclosure, it situated on, projects over, or hangs over a portion of the

public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

PUBLIC PROPERTY - all real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

SANDWICH BOARD - any portable sign which is intended, by design, use or construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

SIDEWALK - that portion of a public right-of-way for which paving is required under this Part of the Codified Ordinances of the City of Reading and which is used primarily for pedestrian travel.

SIDEWALK AREA - that portion of the public right-of-way occurring between the curbline and the topographical building line.

SIDEWALK VENDOR - person or persons who exhibits, displays, or sells any food, beverage, goods, printed materials or merchandise from and stand, cart vending machine or trailer while on or about the sidewalk area.

SIDEWALK VENDOR LICENSE - the written authorization, issued by the City of Reading, to construct, install, erect, or place any obstruction within the public right-of-way. The license must be displayed prominently on each stand, cart, trailer and/or obstruction.

STAND - any structure, device or object erected, installed, or placed within any portion of the public right-of-way or chained, bolted or otherwise attached to a building or structure in such a manner that any portion of said structure, device or object projects over or into the public right-of-way used to exhibit, display or sell food or goods. Stands shall include, but are not limited to, kiosks, newsracks, newsstands, outdoor pay telephones, sandwich boards, stands, street furniture and vending machines. The terms "tables," "carts," "stands" and "trailers" shall be used interchangeably throughout this Part and should be construed to the same meaning.

TRAILER - vehicle designed to be towed by a motor vehicle.

VENDING CART - small, light vehicle moved by hand for the purpose of conducting food sales.

VENDING LICENSE BOARD - Board authorized to approve permits and the location of sidewalk vendors, pursuant to §10-1710.

VENDING MACHINE - any self-service device that provides for the sale or distribution of food, beverage or goods, newspapers, other printed materials either in bulk or in package, without the necessity of replenishing the device between each vending operation.
(Ord. 63-2007, 8/13/2007, §1)

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of 8th Street **Front Street** and the eastern border of 11th Street.

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines **will be issued annually**. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

B. More than Two Licenses Prohibited. A person who holds or has an interest in two sidewalk vendor licenses as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license.

C. License Nontransferable. A sidewalk vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

(Ord. 63-2007, 8/13/2007, §1)

§10-1706. Permitting for Sidewalk Vendors Outside the Permitted Area

Applications for sidewalk cafes outside the Commercial Core Zoning District shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. Such applications shall be forwarded to City Council for approval.

(Ord. 63-2007, 8/13/2007, §1)

§10-1707. License Application

1. Notice of License Availability. Applications for sidewalk vending licenses will be available between November 1 and November 15 in the City of Reading Codes Office.

Notice of such availability will be made through a newspaper of general circulation not more than 30 days nor less than 14 days prior to November 1.

2. Application. Any person interested in applying for a sidewalk vendor's license may, after public notice listed above, make application by filing such forms containing the required information with the City of Reading Codes Office with a nonrefundable application fee of \$50 no later than 4 p.m. on November 15. The application shall at a minimum set forth:

A. True name and address of the applicant. P.O. boxes will not be permitted.

B. Names and addresses of any employees, other than the owner, who operate the stand.

- C. Photographs and specifications of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in §10-1708 herein.
- D. Sufficient detail about the proposed sidewalk vendor and the products proposed for sale must be submitted with the application for evaluation and compliance with applicable City and State Health Codes, along with copies of the required City and State health permits.
- E. A copy of the applicant's business privilege license.
- F. A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices. Utility connections to neighboring properties shall be prohibited.
- G. A complete listing of the items to be offered for sale or distribution. Applications will be initially reviewed by the Codes Office for completeness. Incomplete applications may be amended one time and resubmitted on or before November 15 as stated above.

3. Review of Applications. Not more than 45 days following application deadline, the Vending License Board shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a sidewalk vendor license if:

- A. The application is incomplete in any material respect.
- B. The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health requirements.
- C. The applicant does not have a business privilege license.
- D. The applicant, or any natural person having an interest in the entity making the application, has:
 - (1) An interest in more than two sidewalk vendor licenses.
 - (2) Within the past 5 years held or had an interest in a sidewalk vendor license that has been revoked.
 - (3) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.
- E. If an application is denied, the applicant shall be notified in writing of the reason(s) therefore.

4. Each license shall be issued for one calendar year, February 1 to January 31, and shall be subject to review during the calendar year for adherence to the requirements of this Part. (Ord. 63-2007, 8/13/2007, §1)

§10-1708. Design Standards.

1. Design and Appearance.

A. General Requirements. All sidewalk vendor carts, trailers or stands shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. There will be no fixed design as such; however, literature on designs, manufacturers, costs and similar details will be available in the City Codes Office. In addition, vending must comply with State and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

B. Required Physical Features.

- (1) The dimensions of the vending shall not exceed 4 feet x 8 feet. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels, handles and similar parts). Fold-out shelves for larger merchandise are permitted, provided there will be no interference with pedestrian movement.

- (2) **Mobility.** Vending carts must have at least two wheels. They must permit easy movement and maneuverability in the event of emergency and required relocation.
- (3) **License Display.** The vending license must be clearly displayed on the cart in such a manner and location as to be clearly visible to customers.
- (4) **Trash Receptacles.** Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the container becomes full or, at a minimum, at the conclusion of the day's operation.
- (5) **Covers.** Umbrellas or canopies are desirable. The umbrella must not conflict with public passage on the right of way, nor be obtrusive to vendors' signs or neighboring business. The cover must be well maintained
- (6) **Utility Connections.** Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the unit. Utility connections to neighboring properties shall be prohibited.
- (7) **Fire.** A 5 pound ABC type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.

C. Prohibited Features.

- (1) Advertising other than the name of the vendor's business or suppliers.
(Advertising must appeal to the sensibilities of the general public.)
- (2) Propulsion systems other than manual.
- (3) Gas cylinders larger than 20 pounds.
- (4) Vending directly from a motor vehicle is prohibited except for those provisions under .05(a).

D. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.

E. All carts shall comply with standards and specifications described herein and adopted by the City. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.

2. Maintenance. All sidewalk vendor carts shall at all times be maintained in good condition and repair. Any repairs to or replacements of sidewalk vendor carts shall comply fully with the existing design criteria, standards and specification. No replacement cart may be placed into operation until approved.

3. Carts Self-Contained. All sidewalk vendor carts shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.

4. Sign. No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses.
(Ord. 63-2007, 8/13/2007, §1)

§10-1709. Sidewalk Vendor Operation Standards

1. Days and Hours of Operation. Sidewalk vendor sales may be conducted daily between the hours of 9:00 a.m. and 5:00 p.m. from October 1 through March 31 of each year and between the hours of 9:00 am. and 7:30 p.m. from April 1 through September 30 of each year, unless otherwise permitted or restricted by regulations adopted by the City.

2. Daily Removal. Sidewalk stands and accouterments shall be removed from the sidewalk daily, not later than ½ hour after the close of business or and not returned thereto earlier than ½ hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading. The vendor will be charged for costs, storage and the penalty prescribed under §10-1714 herein.

3. Safe and Sanitary Condition. Sidewalk vendor carts and vending areas shall be maintained in a safe, broom-clean and sanitary condition at all times. Sidewalk vendor carts licensed hereunder to sell food products shall:

A. Be subject to inspection at any time by a City of Reading Codes Inspector and shall at all times be licensed under and be in compliance with all applicable State and local codes.

B. If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and Codes Office and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

4. Quiet Operations. Sidewalk vendors shall conduct business in an orderly fashion and shall not make loud or raucous noises or use sound amplifying devices to attract attention, nor verbally hawk or solicit product sales to pedestrians or motorists.

5. Use and Maintenance of Sidewalk. All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location. No products shall be stored or displayed, on the sidewalk or any adjacent outside area. The sidewalk vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business. The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc., around the vending cart is strictly prohibited.

6. Public Liability Insurance. Each license holder shall maintain and provide the City of Reading with proof thereof, insurance for public liability, with minimum coverage of \$100,000 per individual and \$500,000 per incident.

7. Prohibitions. An object, device or structure as regulated under the terms of this Part shall be expressly prohibited when its construction, erection, installation or placement would result in any of the following conditions:

A. A passable sidewalk width less than 5 horizontal feet.

B. A horizontal projection from the building line in excess of 5 feet.

C. A reduction in sight triangle.

(Ord. 63-2007, 8/13/2007, §1)

§10-1710. Suspension or Revocation of License

A sidewalk vendor license shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of applicable State or local, including but limited to all health or safety regulations, zoning and taxation.

(Ord. 63-2007, 8/13/2007, §1)

§10-1711. Vending License Board

The Vending License Board shall consist of ~~the~~ one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the

City of Reading Planning Commission or their designee, one employee from the Codes Office, Reading Police Traffic Enforcement and Public Works.

A. Responsibilities. The Vending License Board shall have the following responsibilities and duties:

- (1) Meet no later than December 30 annually to review and approve vendor license applications.
- (2) Determine vendor locations for each approved applicant within the Commercial Core Zoning District.
- (3) Recommend amendments to this Part to the Council of the City of Reading.

(Ord. 63-2007, 8/13/2007, §1)

§10-1712. Enforcement

This Part will be enforced under the jurisdiction of the City Codes Office and the Reading Police Department.

(Ord. 63-2007, 8/13/2007, §1)

§10-1713. Construction and Severability

In the event any provision, Section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

(Ord. 63-2007, 8/13/2007, §1)

§10-1714. Penalty

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$75 - \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

(Ord. 63-2007, 8/13/2007, §1)

BILL NO. _____
AN ORDINANCE

**AN ORDINANCE AMENDING THE CITY OF READING 2008
FULL-TIME POSITION ORDINANCE BY ELIMINATING THE
COMMUNITY DEVELOPMENT MANAGER POSITION AND
CREATING THE COMMUNITY DEVELOPMENT DIRECTOR
POSITION.**

**AN ORDINANCE AMENDING THE CITY OF READING FULL-TIME POSITION
ORDINANCE AS FOLLOWS:**

SECTION 1. Amending the 2008 Full-time Position Ordinance by eliminating the Community Development Manager position and creating the Community Development Director position.

SECTION 2. This amendment to the Full-Time Position Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE MANAGING DIRECTOR

SECTION 1. COMPENSATION. The salary of the Managing Director, RYAN P. HOTTENSTEIN, shall be ONE HUNDRED THOUSAND DOLLARS (\$100,000) per annum, payable in equal bi-monthly installments.

SECTION 2. BENEFITS. RYAN P. HOTTENSTEIN shall receive benefits accorded to other non-union management/professional personnel of the City.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective ten days after Council's confirmation.

Passed Council _____, 2008

President of Council

Attest:

City Clerk

BILL NO. _____-2008

A N O R D I N A N C E

AMENDING CHAPTER 5 CODE ENFORCEMENT PART 6 PROPERTY
MAINTENANCE CODE OF THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 5 Code Enforcement Part 6 Property Maintenance Code
Section 5-601 of the City of Reading Codified Ordinances amended to read as follows:

PM 104.3 Inspections. The Codes Director, his designee or Code Official, shall make or cause to be made all of the required inspections, or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Codes Director is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

PM 104.3.1 Frequency. Properties covered under this code shall be inspected routinely not less than every three (3) years nor more than every five (5) years ~~when possible every 3 years~~ or as part of a planned inspection being conducted pursuant to a systematic or concentrated code enforcement program ~~in that portion of the City.~~

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 5 Code Enforcement Part 6 Property Maintenance Code Section 5-601 and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2008

Council President

Attest:

City Clerk

(LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A," TO AMEND THE DEFINITIONS OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME, TO PROVIDE THE USE OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME AS A SPECIAL EXCEPTION AND REQUIREMENTS THEREFORE IN THE CITY OF READING R-2 (RESIDENTIAL), R-3 (RESIDENTIAL) AND C-R (COMMERCIAL RESIDENTIAL) ZONING DISTRICTS AND TO CORRECT THE REQUIREMENTS OF RESIDENTIAL CARE FACILITY AS A CONDITIONAL USE

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to amend the definition of Life Care Retirement Facility and Nursing Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefore in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and to correct the requirements of Residential Care Facility as a Conditional Use

SECTION 2. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(LAW)

EXHIBIT A

The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances is hereby amended and added to as follows:

PART 22

DEFINITIONS/SPECIFIC WORDS AND PHRASES DEFINED

§27-2202. General Definitions is hereby amended to amend or add the following words, terms and definitions:

LIFE CARE RETIREMENT FACILITY - a planned residential community, building or part thereof for persons of retirement age, which shall include residential dwelling units, with communal dining, recreation areas, open space, parking and related facilities. Includes "retirement homes," "assisted or independent living facilities," "personal care home" and similar uses. Excludes "residential care facilities."

NURSING HOME - a building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of four or more persons. The term "Nursing Home" shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, infirmaries contained within homes for the aged and personal care home. Excludes "residential care facilities."

PART 8
DISTRICTS

§27-804 R-3 is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

PART 8
DISTRICTS

§27-808 C-R is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

PART 12
PROVISIONS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

§27-1202. Conditions for Special Exception Uses is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses in the R-2, R-3 and C-R City of Reading Zoning Districts:

27-1202(19) Life Care Retirement Facility and Nursing Home as defined herein shall be permitted as special exceptions in the City of Reading Zoning Districts R-2, R-3 and C-R, provided that the following standards are met, all requirements therefor under this Ordinance, along with any other stipulations set forth by the Zoning Hearing Board:

A. A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

B. The Life Care Retirement Facility and Nursing Home must meet the standards of the City of Reading building, plumbing, mechanical, electrical and fire codes as required for the type of use. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

C. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

E. No basement or cellar shall be used as a habitable bedroom except by special approval and variance.

F. No Life Care Retirement Facility and Nursing Home shall be located within 500 linear feet of any other lot on which is established a Life Care Retirement Facility and Nursing Home or Residential Care Facility, except by variance, measured by the shortest distance between the two lots where the proposed life care retirement facility and nursing home is located (including but not limited to each existing life care retirement facility and nursing home or residential care facility use located in any district which is of a different designation than the district in which the new life care retirement facility and nursing home use is proposed).

G. One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

§27-1202. Conditions for Conditional Uses is hereby amended as follows:

7. Residential Care Facility. Residential care facilities, which shall include group care facilities and group care institutions, may be permitted in the R-3 zoning district as a ~~special exception~~ conditional use, provided that the following standards are met along with any other requirements deemed necessary by ~~the Zoning Hearing Board~~ City Council. Group care facilities shall be permitted in the R-2 and C-R zoning districts by ~~special exception~~ conditional use.

A. The following standards shall be for all residential care facilities:

(1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.

(3) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.

(4) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.

(5) The sponsoring social service agency shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.

B. The following standards are for all group care facilities:

(1) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.

(2) No group care facility shall have more than 10 residents at any given time, not including live in supervisors.

(3) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.

(4) No more than two live-in supervisors shall reside in the group care facility.

(5) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the

emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.

~~(6)~~ C. The following standards are for all group care institutions.

~~(7)~~ 1.) The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.

~~(8)~~ 2.) A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

~~(9)~~ 3.) At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

~~(10)~~ 4.) The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

PART 16

OFF-STREET PARKING AND LOADING

§27-1603. Off-Street Parking Standards is hereby amended to add the following:

EE: Life Care Retirement Facility and Nursing Home – One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

BILL N O. _____-2008

A N O R D I N A N C E

AN ORDINANCE CREATING A COMMITTEE TO ASSIST, GUIDE AND PARTICIPATE IN THE AMENDING, REVISING AND REWRITING OF THE CITY OF READING ZONING ORDINANCE, SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) AND OFFICIAL MAP

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. A Committee is hereby formed to assist, guide and participate in the amending, revising and rewriting of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map.

Said committee shall consist of the following:

Two (2) representatives of the City of Reading City Council,

Two (2) representatives of the City of Reading Zoning Hearing Board,

Two (2) representatives of the City of Reading Planning Commission,

One (1) realtor whom either resides in the City of Reading, has a significant business interest in the City of Reading or a principal office in the City of Reading, and

One (1) attorney whom practice emphasizes in municipal law / solicitor work not employed or contracted with the City of Reading which either resides in the City of Reading, has a significant business interest in the City of Reading or a principal office in the City of Reading.

Representatives of City Council, Zoning Hearing Board and Planning Commission shall be appointed by their respective council, board or commission. Such council, boards or commission may appoint an alternate should one (1) of the appointed persons shall be unable to attend. The other members shall be appointed by the City of Reading City Council.

The City of Reading Engineer, Planner, Zoning Administrator, and Solicitor or their designee shall serve the Committee in an advisory non voting status.

All aforesaid persons shall work with the Consultant retained by the City of Reading, Urban Research and Development Corporation in developing, drafting, amending, and similar matters of the City of Reading Zoning Ordinance, Subdivision

and Land Development Ordinance (SALDO) and Official Map.

The Committee shall act in an advisory capacity by providing guidance including undertaking of votes on issues as to direction of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map. It is anticipated that the Committee shall be meet on a regular monthly basis until completion of the draft City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map. The Committee shall be disbanded and this Ordinance repealed three (3) months after adoption of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map.

Adoption of any revision to the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map shall be in accordance with the Pennsylvania Municipalities Planning Code 53 P.S. §10101 et seq and the City of Reading Codified Ordinances.

SECTION 2. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING 1-271 OF THE CITY OF READING PERSONNEL CODE (Salary Administration) BY AMENDING THE SALARY RANGE FOR THE COMMUNITY DEVELOPMENT DIRECTOR

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Section 1-271 (8) of the City of Reading Codified Ordinances (Personnel Code) shall be amended to read as follows:

- (a) Managing Director- the Managing Director of the City of Reading shall be compensated at an annual salary of no less than \$90,000 and no more than \$120,000.
- (b) Chief of Fire and Rescue Services- the Chief of the Department of Fire and Rescue Services for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (c) Chief of Police- the Chief of Police for the City of Reading shall be compensated at an annual salary of no less than \$80,000 and no more than \$110,000.
- (d) Public Works Director- the Director of the Department of Public Works of the City of Reading shall be compensated at an annual salary of no less than \$70,000 and no more than \$85,000.
- (e) Finance Director- the Director of the Department of Finance for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (f) Human Resources Director- the Director of the Department of Human Resources of the City of Reading shall be compensated at an annual salary of no less than \$75,000 and no more than \$100,000.
- (g) City Solicitor- the director of the Legal Department for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (h) **Community Development Director- the Director of the Department of Community and Economic Development for the City of Reading shall be compensated at a salary of no less than \$75,000 and no more than \$100,000.**

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective immediately.

Enacted by Council_____, 2008

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE COMMUNITY DEVELOPMENT DIRECTOR

SECTION 1. COMPENSATION. The salary of the Community Development Director, Marty Mayes shall be NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) per annum, payable in equal bi-monthly installments.

SECTION 2. BENEFITS. Marty Mayes shall receive benefits accorded to other non-union management/professional personnel of the City.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately after its adoption.

Passed Council _____, 2008

President of Council

Attest:

City Clerk

BILL NO. _____2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 6 CONDUCT BY CREATING A NEW SECTION 402 OF PART A ENTITLED “FAILURE TO REPORT LOST OR STOLEN FIREARMS”, WHICH WILL REQUIRE PROMPT NOTIFICATION TO AUTHORITIES OF LOST OR STOLEN FIREARMS AND IMPOSE PENALTIES.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. To amend the City of Reading Codified Ordinances, Chapter 6 Conduct by creating a new Section 402 of Part A as attached hereto in Exhibit “A”.

SECTION 2. That all existing sections of Chapter 6, Part A, are hereby renumbered accordingly.

SECTION 3. This ordinance shall become effective in ten (10) days of approval in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

EXHIBIT A

Section 402. Failure to Report Lost or Stolen Firearms

1. **Prohibited Conduct.** No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to appropriate officials of the Reading Police Department within 24 hours after discovery of the loss or theft.
2. **Penalties for Violation.** Any person who violates this Section shall be subject to a fine of not more than \$1,000.00, or imprisonment for not more than 90 days, or both.

BILL NO. _____2008

AN ORDINANCE

AN ORDINANCE AMENDING THE 2008 CITY OF READING FULL-TIME POSITION ORDINANCE BY ELIMINATING AND CREATING POSITIONS AS OUTLINED HEREIN.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Reducing the number of Health and Safety Clerks from five (5) to three (3); eliminating three (3) Health and Safety Inspectors; eliminating two (2) Health Inspector II; reducing the number of Property Maintenance Inspectors from sixteen (16) to fifteen (15); creating the position of Chief Clerk; and creating three (3) First Level Supervisor positions. All aforementioned positions are listed in the Codes – Development & Inspection section of the 2008 Fulltime Position Ordinance.

SECTION 2. This amendment to the Fulltime Position Ordinance shall become effective in ten (10) days of approval in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Dennis Straub is appointed to a three year term as an alternate
to the Animal Control Board expiring on 9/22/2011.

Adopted by Council _____, 2008

President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Ermete Raffaelli is reappointed to a four year term to the
Planning Commission expiring on 4/1/2012.

Adopted by Council _____, 2008

President of Council

Attest:

Linda A. Kelleher
City Clerk

R E S O L U T I O N N O. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Elizabeth Stanley is appointed to a five year term to the Charter
Board expiring on 4/26/2013.

Adopted by Council _____, 2008

President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____ 2008

***Whereas,** the City of Reading City Council is concerned about the future of Berks County and the ability to provide future quality airport services to our growing population. Council believes that the proposed sale of a certain parcel of land to the Berks County Industrial Development Authority may limit Reading Municipal Airport's future ability to provide services to St Joseph Medical Center, local businesses and County residents.*

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Directing and authorizing the City Solicitor to draft and file the necessary legal paperwork to seek an injunction and/or declaratory judgment to stop the proposed sale of the airport property by the Reading Regional Airport Authority to the Berks County Industrial Development Authority.

Adopted by Council _____, 2008

Vice President of Council

Attest:

Linda A. Kelleher
City Clerk